

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

In re: Equifax, Inc. Customer Data
Security Breach Litigation

MDL Docket No. 2800

No.: 1:17-md-2800-TWT

CONSUMER ACTIONS

[PROPOSED] ORDER APPOINTING LEADERSHIP FOR CONSUMER CASES

Before the Court are competing motions to appoint lead counsel, liaison counsel, and members of a steering committee submitted by various counsel for consumer plaintiffs who represent plaintiffs in the consumer cases before this Court. Having considered all timely submissions in light of the criteria set forth in CMO No. 1, the Manual for Complex Litigation, and Fed. R. Civ. P. 23(g), and having considered oral argument during the hearing held on February 9, 2018, the Court hereby appoints the following leadership for the consumer plaintiffs:

1. Consumer Plaintiffs' Liaison Counsel:

Roy E. Barnes
Barnes Law Group, LLC
31 Atlanta Street
Marietta, Georgia 30060

2. Duties of Consumer Plaintiffs' Liaison Counsel: Liaison Counsel shall have the following responsibilities concerning the consumer cases:

- a. Communicate with the Court, on behalf of Lead Counsel, concerning scheduling and other administrative matters;
- b. Maintain an up-to-date, comprehensive Service List and promptly advise the Court and Defendants' counsel of changes to Plaintiffs' Service List;
- c. Receive and distribute to Plaintiffs' counsel, as appropriate, Orders, notices, and correspondence from the Court, to the extent such documents are not electronically filed;
- d. Receive and distribute to Plaintiffs' counsel, as appropriate, discovery, pleadings, correspondence, and other documents from Defendants' counsel that are not electronically filed.

3. Co-Lead Counsel Representing Consumer Plaintiffs:

Kenneth S. Canfield
Doffermyre Shields Canfield & Knowles, LLC
1355 Peachtree Street, N.E.
Suite 1600
Atlanta, Georgia 30309

Amy E. Keller
DiCello Levitt & Casey LLC
Ten North Dearborn Street
Eleventh Floor
Chicago, Illinois 60602

Norman E. Siegel
Stueve Siegel Hanson LLP
460 Nichols Road, Suite 200
Kansas City, Missouri 64112

4. Duties of Consumer Plaintiffs' Co-Lead Counsel: Co-Lead Counsel for consumer plaintiffs shall, along with Liaison Counsel, have the following responsibilities concerning the consumer cases:

- a. Direct and manage pretrial proceedings on behalf of all consumer plaintiffs, including the briefing and argument of motions and the conduct of all types of discovery proceedings;
- b. Delegate work responsibilities to other plaintiffs' counsel, and monitor the activities of all plaintiffs' counsel to assure that plaintiffs' pretrial preparation is conducted effectively, efficiently, and economically, that schedules are met, and that unnecessary expenditures of time and expense are avoided;
- c. Consult with and employ consultants or experts, as necessary;

- d. Coordinate with other members of the Steering Committee in management of the litigation and fund the necessary and appropriate costs of discovery and other common benefit efforts, including the maintenance of a plaintiffs' document depository, *see Manual for Complex Litigation, Fourth*, section 40.261;
- e. Coordinate settlement discussions or other dispute resolution efforts on behalf of consumer plaintiffs, under the Court's supervision, if and as appropriate;
- f. Enter into stipulations with other parties as necessary for the conduct of the litigation;
- g. Prepare and distribute to the parties periodic status reports;
- h. Maintain adequate time and disbursement records covering services as appointed counsel; and
- i. Perform such other duties as may be incidental to proper coordination with the Steering Committee of plaintiffs' pretrial activities or as authorized by further Order of the Court.

5. Liaison and Co-Lead Counsel are also hereby designated as Co-Interim Consumer Class Counsel pursuant to Rule 23(g) to "act on behalf of a

putative class before determining whether to certify the action as a class action.” Fed. R. Civ. P. 23(g)(3).

6. Consumer Plaintiffs’ Steering Committee:

Along with Liaison Counsel and Co-Lead Counsel for consumer plaintiffs, the following attorneys shall comprise the Consumer Plaintiffs’ Steering Committee:

Andrew N. Friedman
Cohen Milstein Sellers & Toll PLLC
1100 New York Avenue, NW
Suite 500
Washington, DC 20005

Eric H. Gibbs
Girard Gibbs LLP
505 14th Street
Suite 1110
Oakland, California 94612

James Pizzirusso
Hausfeld LLP
1700 K Street NW
Suite 650
Washington, DC 20006

Ariana Tadler
Milberg Tadler Phillips Grossman LLP
One Penn Plaza
19th Floor
New York, New York 10119

John A. Yanchunis

Morgan & Morgan Complex Litigation Group
201 N. Franklin Street, 7th Floor
Tampa, Florida 33602

7. Duties of Consumer Plaintiffs' Steering Committee: The Steering Committee shall meet and confer as needed regarding the completion of consumer plaintiffs' pretrial and trial activities, including the duties set forth in paragraph 4 above. The Steering Committee may establish subcommittees to aid in the effective and efficient conduct of this litigation. The Steering Committee shall participate in the determination of any significant matters that arise in the consumer litigation.

8. Consumer Plaintiffs' State Court Coordinating Counsel:

Rodney K. Strong

Griffin & Strong P.C.
235 Peachtree Street NE, Suite 400
Atlanta, GA, 30303

9. Duties of Consumer Plaintiffs' State Court Coordinating Counsel:

The State Court Coordinating Counsel shall monitor any ongoing litigation in the state courts of Georgia and as appropriate work with Liaison Counsel to coordinate with state-court cases to foster efficiency, minimize duplicative discovery, and avoid management difficulties. State Court Coordinating Counsel shall report to Consumer Plaintiffs' Lead Counsel, and the Court as requested, material

developments in the state court proceedings to ensure the efficient coordination of the litigation.

10. All counsel must keep a daily record of their time spent and expenses incurred in connection with this litigation, and must report on a monthly basis their expenses and hours worked to Co-Lead and Liaison Counsel for consumer plaintiffs. Co-Lead and Liaison Counsel will make such records and reports available to other members of the Steering Committee upon request. In order for their time and expenses to be compensable, those not serving in leadership positions must secure the express authorization of Co-Lead Counsel for any projects or work undertaken in this litigation.

11. On a quarterly basis, beginning on April 30, 2018, and thereafter on the last business day of each July, October, January, and April, Co-Lead and Liaison Counsel shall submit to the Court *in camera* reports reflecting hours billed in this matter by all consumer plaintiffs' counsel. Failure to maintain and submit records with sufficient descriptions of the time spent and expenses incurred may be grounds for denying attorneys' fees and/or expenses, for the period that relates to the missing or inadequate submissions.

SO ORDERED, this ____ day of February, 2018.

Thomas W. Thrash
United States District Judge